

Capital One

Capital One Services, Inc.
401 West A Street
Suite 1000
San Diego, California 92101

Erin E. Costa
Capital One Services, Inc.
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San Diego, CA 92101
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Fax: (619) 702-9050

May, 26, 2005

VIA Facsimile (334-263-0491)

Norman Hurst, Jr.
462-A Sayre St.
Montgomery, AL 36104

Re: Arzell Wilkerson v. Capital One Services, Inc.

Dear Mr. Hurst:

This letter serves to confirm that you have agreed to provide Capital One with a 3 week extension to file a response to Plaintiff's Complaint. By my calculations, our Answer will be due June 16, 2005.

Please let me know if you have any questions or concerns. I will contact you after I have had a chance to review the Complaint and Mr. Wilkerson's account records.

Sincerely,



Erin E. Costa
Litigation Specialist

12
IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ARZELL WILKERSON,

Plaintiff,

vs.

CAPITAL ONE,

Defendant.

CIVIL ACTION NO.
CV-04-2865-TMH

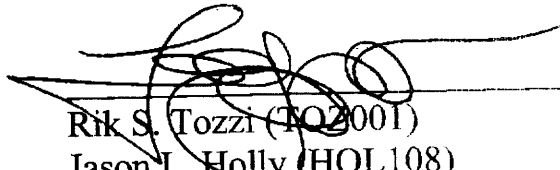
2005 OCT -3 PM 2:15
CLERK OF COURT
MONTGOMERY COUNTY

MOTION TO WITHDRAW

COMES NOW, Jason L. Holly and hereby requests this Court to enter an Order permitting the undersigned to withdraw as counsel for the Defendant Capital One in the above-styled matter. As grounds therefore, Jason L. Holly states as follows:

1. Jason L. Holly has left the law firm of Starnes & Atchison LLP and will no longer be involved in the representation of the Defendant.
2. Rik S. Tozzi of the law firm of Starnes & Atchison LLP will continue to provide representation of the Defendant in this matter.

WHEREFORE, PREMISES CONSIDERED, Jason L. Holly respectfully requests this Court to enter an Order permitting his withdrawal of counsel for the Defendant.



Rik S. Tozzi (TO2001)
Jason L. Holly (HOL108)
Attorneys for Defendant

OF COUNSEL:

STARNES & ATCHISON LLP
Seventh Floor, 100 Brookwood Place
Post Office Box 598512
Birmingham, Alabama, 35259-8512
(205) 868-6000

CERTIFICATE OF SERVICE

I do hereby certify that I have caused a copy of the foregoing pleading to be mailed to counsel for all parties to this action on this the 29th day of September, 2005.



OF COUNSEL

cc:

Norman Hurst, Jr.
Attorney at Law
462-A Sayre Street
Montgomery, Alabama 36104
(334) 269-6449

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

Arzell Wilkerson

Plaintiff(s),

v.

Capitol One

Defendant(s)

CASE NO. CV- 04- 2865

2005 NOV 17 AM 10:10

TMH

FILED
CIRCUIT COURT
MONTGOMERY COUNTY, ALA.TRIAL SCHEDULING CONFERENCE ORDER

To establish and facilitate the orderly progression of this case to trial and final disposition, the Court does now ORDER and DIRECT as follows:

1. That this case is set for trial on April 10th, 2006 at 9:00a.m., Courtroom 3-A.
 2. That all discovery initiatives pursuant to Alabama Rules of Civil Procedure shall be begun so that discovery will be completed no later than 45 days before the above designated trial date. Any motions for summary judgment shall also be filed no later than 45 days before the trial date.
 3. That if the parties desire a pre-trial conference, they shall make arrangements with this Court.
 4. That not later than 60 days before the designated trial date, parties are required to exchange the names and addresses of all witnesses whom they intend to call, except rebuttal witnesses whose testimony cannot be anticipated before the time of trial. Expert witnesses will be so designated.
 5. That not later than 14 days before the trial date, the parties are required to furnish each other either original documents and exhibits, or copies of original documents and exhibits, which will be offered into evidence during the trial of this cause. Said documents and exhibits will be deemed authentic relevant and admissible unless objected to, in writing, to the Court within 7 days of receipt. Blank objections will be struck. It is expected that objections will be specific and supported by citations applicable law.
 6. That any motions for trial delays must be in writing and must be filed pursuant to Justice Hornsby Administrative Order, dated December 21, 1990, pertaining to "Attorney Calendar Conflict Resolution".
 7. That statements and invoices for professional services, and for costs of goods which have been supplied, may be received in evidence during the trial of this case without proof of reasonableness or necessity, unless, at least 7 days in advance of the trial date, the party opposing the introduction of such evidence shall advise the offering party that the reasonableness or necessity of such charges will be questioned or challenged for good cause.
 8. That any motions in limine, other pre-trial motions, and proposed voir dire questions, and requested jury charges be filed no later than the Friday preceding the trial date.
 9. The parties are ORDERED to mediate the case.
 10. That in the event the trial of this case should be hereafter continued, all discovery and pre-trial information exchange deadlines shall be automatically extended, based upon the new trial date.
- DONE and ORDERED this the 16 day of November, 2005.

/s/ Truman M. Hobbs, Jr.
TRUMAN M. HOBBS, JR.
CIRCUIT JUDGE

Copies:

Rik S. TozziNorman Hurst, Jr.

**IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA**

Arzell Wilkerson,

Plaintiff,

v.

Capitol One,

Defendant.

2865
CV-2004-2856

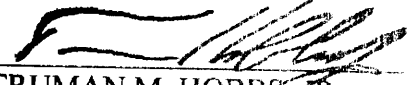
FILED
CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
2005 NOV 17 AM 10:10

ORDER

The Plaintiff's Motion to Amend Complaint is Granted and the Plaintiff is ordered to file the Amended Complaint in ten (10) days.

The Defendant's Motion to Dismiss is Denied as moot.

Done this 16th day of November 2005.


TRUMAN M. HOBBS, JR.
CIRCUIT JUDGE

cc: Rik S. Tozzi
Norman Hurst, Jr.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ARZELL WILKERSON,

Plaintiff,

vs.

CAPITAL ONE,

Defendant.

GRANTED

DATE

HOBBES, JR.

JUDGE

CIVIL ACTION NO.
CV-04-2865-TMH

2005 OCT -3 PM 2:15

FILED
CIRCUIT COURT OF
MONTGOMERY COUNTY

MOTION TO WITHDRAW

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WHEREFORE, PREMISES CONSIDERED, Jason L. Holly respectfully requests this Court to enter an Order permitting his withdrawal of counsel for the Defendant.

2005 NOV 4 AM 10:10

FILED
CIRCUIT COURT OF
MONTGOMERY COUNTY

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA

NOV 18 2005

Arzell Wilkerson,

Plaintiff,

v.

Capitol One,

Defendant.

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CV-2004-2856

ORDER

The Plaintiff's Motion to Amend Complaint is Granted and the Plaintiff is ordered to file the Amended Complaint in ten (10) days.

The Defendant's Motion to Dismiss is Denied as moot.

Done this 16th day of November 2005.


TRUMAN M. HOBBS, JR.
CIRCUIT JUDGE

cc: Rik S. Tozzi
Norman Hurst, Jr.